

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

RSUI INDEMNITY COMPANY

PLAINTIFF/
COUNTER-DEFENDANT

VERSUS

CIVIL ACTION NO. 1:07cv893-LG-JMR

NEW PALACE CASINO, LLC

DEFENDANT/
COUNTER-PLAINTIFF

**MOTION IN LIMINE TO EXCLUDE THE
TESTIMONY AND REPORT OF PAUL AMORUSO**

The plaintiff / counter-defendant, RSUI Indemnity Company (“RSUI”), submits that the testimony and report of the defendant / counter-plaintiff’s “expert” witness, Paul Amoruso, should be struck on the grounds that: (1) he is unqualified; (2) his opinions are not based on sufficient facts or data and are in fact contrary to the insured’s own admissions that no bad faith occurred; and (3) his opinions are not supported by valid reasoning and methodology generally accepted within the insurance industry. Moreover, his opinions will not assist the trier of fact to understand the evidence or determine a fact at issue, and the defendant / counter-plaintiff, New Palace Casino, L.L.C. (“New Palace”), cannot carry its burden of proving reliability of the testimony and report by a preponderance of the evidence. Accordingly, for the reasons more fully addressed in the attached memorandum in support, Mr. Amoruso’s opinions do not meet the evidentiary standards of admissibility set forth by the United States Supreme Court and his testimony and report should be excluded from the trial of this matter.

RSUI INDEMNITY COMPANY

/s/ Jason P. Waguespack

BY: JASON P. WAGUESPACK

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CERTIFICATE OF SERVICE

I do hereby certify that on June 22, 2009, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all participating counsel of record.

/s/ Jason P. Waguespack

JASON P. WAGUESPACK